

**THIRTY-THIRD LEGISLATIVE DAY
FRIDAY, FEBRUARY 10, 2006**

House of Representatives

The House convened at 8 a.m., the Speaker in the Chair.

Roll call showed 64 members present.

Absent and excused -- Clark, Crow, Field(23), Loertscher, Schaefer, Smith(24). Total -- 6.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Luke Thomas, Page.

Approval of Journal

February 10, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-second Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

February 9, 2006

Mr. Speaker:

I transmit herewith **SCR 120** which has passed the Senate.

WOOD, Secretary

SCR 120 was filed for first reading.

Report of Standing Committees

February 10, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 34, HCR 35, H 593, H 594, H 595, H 596, H 597, H 598, H 599, H 600, H 601, H 602, H 603, H 604, H 605, H 606, H 607, H 608, H 609, H 610, H 611, H 612, H 613, H 614, H 615, H 616, H 617, H 618, H 619, H 620, H 621, H 622, H 623, H 624, H 625, and H 626.**

FIELD(18), Chairman

HCR 35, H 620, H 621, and H 622 were referred to the State Affairs Committee.

H 593, H 594, H 595, H 596, H 597, H 598, H 599, and H 600 were referred to the Agricultural Affairs Committee.

H 602, H 603, H 604, H 605, H 606, H 607, H 608, H 609,

and H 610 were referred to the Transportation and Defense Committee.

H 611, H 612, H 613, H 614, H 615, H 616, H 617, H 618, and H 619 were referred to the Health and Welfare Committee.

H 623, H 624, H 625, and H 626 were referred to the Education Committee.

HCR 34 and H 601 were filed for second reading.

February 9, 2006

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 446, H 447, and H 448** and recommend that they do pass.

BLACK, Chairman

H 446, H 447, and H 448 were filed for second reading.

February 9, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 533, H 535, and H 536** and recommend that they do pass.

FIELD(18), Chairman

H 533, H 535, and H 536 were filed for second reading.

February 9, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 534** and report it back with amendments attached to be placed on General Orders for consideration.

FIELD(18), Chairman

H 534 was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

**HOUSE CONCURRENT RESOLUTION NO. 36
BY RESOURCES AND CONSERVATION COMMITTEE**

A CONCURRENT RESOLUTION
APPROVING APPLICATIONS TO APPROPRIATE
WATER FOR MINIMUM STREAMFLOW.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Idaho Water Resource Board may apply for a permit to appropriate unappropriated waters of any stream to establish a minimum streamflow; and

WHEREAS, under the provisions of Section 42-1503, Idaho Code, an approved application shall not become finally effective until affirmatively acted upon by the Legislature, except that if

the Legislature fails to act prior to the end of the regular session to which the application was submitted, the application shall be considered approved; and

WHEREAS, on November 1, 2004, the Department of Water Resources approved two applications by issuing a Preliminary Order, which became a Final Order on February 14, 2005, authorizing the appropriation of water for minimum streamflows in Niagara Springs Creek, tributary to the Snake River and Niagara Springs and its creeks tributary to the Snake River as follows:

Identification
Number: 36-8347
Location: Subreach A: Beginning at the third (last) Idaho Power Company diversion, located in Lot 1 (NE1/4NE1/4), Section 10, Township 9 South, Range 15 East, Boise-Meridian, Gooding County, and extending downstream approximately one-eighth (1/8) of a mile to a point in Lot 11 (SW1/4NW1/4), Section 11, Township 9 South, Range 15 East, Boise-Meridian, Gooding County, where the outflow stream widens into the Niagara Springs Estuary. The downstream terminus of Subreach A is approximately located at the outflow of the Idaho Power Fish Hatchery.

Rate of Flow
for Subreach A: 45 cubic feet per second ("cfs") year-round.

Location: Subreach B: Beginning at a point where the Niagara Springs outflow stream widens into an estuary located in Lot 11 (SW1/4NW1/4), Section 11, Township 9 South, Range 15 East, Boise-Meridian, Gooding County (at the approximate location of the outlet of the Idaho Power Fish Hatchery), and extending downstream to the confluence of the Niagara Springs Estuary and the Snake River, all located within Lot 11, Section 11, Township 9 South, Range 15 East, Boise-Meridian, Gooding County.

Rate of Flow
for Subreach B: 110 cubic feet per second ("cfs") year-round.

Purpose: Recreation, aesthetics, fish and wildlife.

Priority Date: January 29, 1988.

Identification
Number: 36-8670
Location: Beginning at the head of Niagara Springs located in Lot 1

(NE1/4NE1/4), Section 10, Township 9 South, Range 15 East, and Lot 3 (NW1/4NW1/4), Section 11, Township 9 South, Range 15 East, Boise-Meridian, Gooding County, and continuing downstream to the Rim View Diversion located within Lot 1 (NE1/4NE1/4), Section 10, Township 9 South, Range 15 East, Boise-Meridian, Gooding County.

Rate of Flow: 264 cubic feet per second ("cfs") year-round.

Purpose: Aesthetics and recreation.

Priority Date: March 24, 1992.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the same is hereby approved subject to the conditions and limitations contained in the Preliminary Order issued by the Department of Water Resources on November 1, 2004, which became a Final Order on February 14, 2005.

HOUSE CONCURRENT RESOLUTION NO. 37 BY RESOURCES AND CONSERVATION COMMITTEE

A CONCURRENT RESOLUTION
APPROVING APPLICATION TO APPROPRIATE WATER
FOR MINIMUM STREAMFLOW.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Idaho Water Resource Board may apply for a permit to appropriate unappropriated waters of any stream to establish a minimum streamflow; and

WHEREAS, under the provisions of Section 42-1503, Idaho Code, an approved application shall not become finally effective until affirmatively acted upon by the Legislature, except that if the Legislature fails to act prior to the end of the regular session to which the application was submitted, the application shall be considered approved; and

WHEREAS, on January 13, 2006, the Department of Water Resources approved an application by issuing an Amended Preliminary Order, that became a Final Order on January 28, 2006, authorizing the appropriation of water for minimum streamflows in the North Fork of the Clearwater River as follows:

Identification
Number: 83-11962
Location: Beginning at the confluence with Kelly Creek in the SW1/4SW1/4, Section 18, T39N, R10E, B.M., Clearwater County, and extending downstream 44.6 river miles to the confluence with Beaver Creek in Lot 7 (NE1/4SE1/4NE1/4), Section 6, T40N, R07E, B.M.
Rate of Flow: 1,349 cfs from January 1 through

January 31; 1,838 cfs during the month of February; 2,885 cfs March 1 through March 31; 5,863 cfs from April 1 through April 30; 10,396 cfs from May 1 through May 31; 8,470 cfs from June 1 through June 30; 2,331 cfs from July 1 through July 31; 1,128 cfs from August 1 through August 31; 873 cfs from September 1 through September 30; 828 cfs from October 1 through October 31; 1,239 cfs from November 1 through November 30; 1,237 cfs from December 1 through December 31.

Purpose: Provides for fish habitat.
Priority Date: April 1, 2005.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the same is hereby approved subject to the conditions and limitations contained in the Amended Preliminary Order issued by the Department of Water Resources on January 13, 2006, which became a Final Order on January 28, 2006.

HOUSE CONCURRENT RESOLUTION NO. 38
BY RESOURCES AND CONSERVATION COMMITTEE
A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE EXPRESSING SUPPORT FOR THE DEVELOPMENT OF THE IDAHO BIRDING TRAIL, RECOGNIZING THE ECONOMIC OPPORTUNITIES AND BENEFITS THE TRAIL WILL AFFORD TO COMMUNITIES IN THE STATE OF IDAHO, AND ACKNOWLEDGING THE IMPORTANCE OF OUR NATIVE BIRDS AND THEIR HABITATS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, eco-tourism, or nature-tourism, has become a big business for many communities, with birds often being a central attraction; and

WHEREAS, within the last decade there has been an emerging interest in the development of "birding trails," which consist of self-guided driving routes and trail systems along the nation's interstates and byways that highlight the best spots for birding, linking premier birding habitats in convenient loops and spurs; and

WHEREAS, more than a dozen birding and wildlife-watching trails now have been developed and mapped, crisscrossing the country on federal and state land, and more are on drawing boards in various stages of development; and

WHEREAS, a partnership of groups and individuals, including state agencies, visitors' bureaus, educators, wildlife agencies, recreationists, and chapters of the Audubon Society, have worked together for the development of such sites; and

WHEREAS, the growth of birding trails, combined with America's love of the automobile, has helped build interest and

spread birder tourism dollars and communities with trail sites have learned that birders are a boon to their economies, providing a means of diversification, especially for rural areas, with trail maps often providing information on lodging, restaurants and other places of interest; and

WHEREAS, birding trails are often located along the major North American flyways, including the "Pacific Flyway" that, in part, traverses the panhandle and Snake River valley of Idaho, and these flyways provide suitable habitat for native birds; and

WHEREAS, watching wildlife is the fastest growing outdoor activity in the United States, and approximately sixty percent of Idahoans regularly engage in wildlife watching, about half a million of whom participate specifically in watching birds on an annual basis; and

WHEREAS, the Idaho Department of Fish and Game has developed a birding trail, and associated trail guide, for a trail to be known as the "Idaho Birding Trail" and hopes to introduce the state trail in time for International Migratory Bird Day in May of 2006; and

WHEREAS, the Idaho Birding Trail will consist of a series of four loops, estimated at approximately 2,000 miles, consisting of the Northern Loop extending from the Canadian border south to Riggins, the Southwestern Loop, covering Riggins south to the Owyhee Mountains and the Oregon border east to Twin Falls, the Southeastern Loop encompassing the Twin Falls area east to the Wyoming border and Bear Lake north to Island Park, and the East-Central Loop consisting of the Sun Valley/Stanley area northeast to Salmon; and

WHEREAS, the four loops will guide visitors to two hundred sites, including such sites as the Snake River Birds of Prey National Conservation Area, Ponderosa State Park, Market Lake Wildlife Management Area, Camas National Wildlife Refuge, Coeur d'Alene River Wildlife Management Area, and Kootenai National Wildlife Refuge; and

WHEREAS, the Idaho Birding Trail will offer the public educational and recreational experiences as well as benefit nearby communities and offer such communities economic opportunities associated with the resulting increase in tourism to these areas.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we express our support for the development of the Idaho Birding Trail, recognize the economic opportunities and benefits the trail will afford to communities in the state of Idaho, declare it to be the official Idaho birding trail, and encourage the Idaho Department of Commerce and Labor to include the Idaho Birding Trail in its promotional literature.

HOUSE JOINT MEMORIAL NO. 14
BY RESOURCES AND CONSERVATION COMMITTEE
A JOINT MEMORIAL

TO THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF INTERIOR, TO THE MAJORITY AND MINORITY LEADERSHIP OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE

UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Federal Lands Recreation Enhancement Act, H.R. 3283, 108th United States Congress, was introduced in the United States House of Representatives and would have authorized the United States Forest Service, the United States Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the United States Bureau of Reclamation to charge visitor fees for recreation on publicly owned lands; and

WHEREAS, H.R. 3283 was not voted on separately in the United States House of Representatives and was not introduced in, did not have hearings in, and was not approved by the United States Senate, but instead was attached to the omnibus spending bill, H.R. 4818, by the 108th United States Congress, as an appropriation rider; and

WHEREAS, the 108th United States Congress enacted H.R. 4818, and the Federal Lands Recreation Enhancement Act is now codified as 16 U.S.C. sections 6801 through 6814; and

WHEREAS, the Federal Lands Recreation Enhancement Act includes criminal penalties and is substantive legislation that fundamentally changes the way public land in the state is funded and managed; and

WHEREAS, the concept of paying fees to use public land is contrary to the idea that public land belongs to the people of the state and is land where every person is granted access and is welcome, a concept that has been and should remain in place; and

WHEREAS, recreational fees constitute double taxation and bear no relationship to the actual costs associated with recreational use such as hiking, picnicking, observing wildlife, or scenic driving on state roads and public rights-of-way; and

WHEREAS, the fees imposed by the Federal Lands Recreation Enhancement Act are a regressive tax that places an undue burden on the people living in rural areas adjacent to or surrounded by large areas of federal land and discriminates against lower-income and working Idahoans by placing financial obstacles in the way of their enjoyment of public land; and

WHEREAS, the public land access fees in the Federal Lands Recreation Enhancement Act are controversial and are opposed by hundreds of organizations, several state legislatures and millions of rural Americans; and

WHEREAS, the Federal Lands Recreation Enhancement Act establishes an interagency pass that may be used to cover entrance fees and recreational amenity fees for federal public land and water, disregarding the substantially different ways in which national parks and other federal public land are managed and funded; and

WHEREAS, the limited means of expressing opposition to and the lack of public debate in the implementation of the fee program raises the concern that some citizens may be deterred from visiting and enjoying public land in the state and throughout the United States; and

WHEREAS, tourism is an important industry to the state, and the imposition of recreational use fees will have a negative effect

on state and local economies.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho demands that the Federal Lands Recreation Enhancement Act, which was enacted on December 8, 2004, be repealed and that no recreational fees authorized under the Federal Lands Recreation Enhancement Act be imposed to use federal public land in the state.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to be sent to the Honorable George W. Bush, President of the United States; the Honorable Richard B. Cheney, Vice-President of the United States and President of the U.S. Senate; the Honorable Gale Norton, United States Secretary of the Interior; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable Ted Stevens, President Pro Tempore of the U.S. Senate, the Honorable William H. Frist, Majority Leader of the U.S. Senate; the Honorable Harry Reid, Minority Leader of the U.S. Senate; the Honorable John Boehner, Majority Leader of the U.S. House of Representatives; the Honorable Nancy Pelosi, Minority Leader of the U.S. House of Representatives; and the congressional delegation representing the State of Idaho in the Congress of the United States.

HCR 36, HCR 37, HCR 38, and HJM 14 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SCR 120, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 627
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO THE ISTARS TECHNOLOGY FUND; AMENDING SECTION 1-1623, IDAHO CODE, TO PROVIDE A CODE REFERENCE, TO REFERENCE PAYMENTS BY CREDIT CARD OR DEBIT CARD AND TO ALLOW FOR THE DESIGNATION OF MONEYS FOR CERTAIN TECHNOLOGIES; AND AMENDING SECTION 31-3221, IDAHO CODE, TO PROVIDE FOR THE DEPOSIT OF CERTAIN PAYMENTS INTO THE ISTARS TECHNOLOGY FUND FOR SPECIFIED USES.

**HOUSE BILL NO. 628
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO JUDGES' RETIREMENT AND COMPENSATION; AMENDING CHAPTER 20, TITLE 1,

IDAHO CODE, BY THE ADDITION OF A NEW SECTION 1-2012, IDAHO CODE, TO AUTHORIZE THE SUPREME COURT TO ADOPT, AMEND AND RESCIND RULES AND ADMINISTRATIVE POLICIES.

HOUSE BILL NO. 629
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE

AN ACT

RELATING TO CRIMINAL PENALTIES; AMENDING SECTION 18-1601, IDAHO CODE, TO INCREASE A PENALTY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-1905, IDAHO CODE, TO INCREASE A PENALTY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-2308, IDAHO CODE, TO INCREASE A PENALTY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-2317, IDAHO CODE, TO INCREASE A PENALTY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-2318, IDAHO CODE, TO INCREASE A PENALTY; AMENDING SECTION 18-2322, IDAHO CODE, TO INCREASE A PENALTY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-2501, IDAHO CODE, TO INCREASE A PENALTY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-3202, IDAHO CODE, TO INCREASE A PENALTY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-3304, IDAHO CODE, TO INCREASE A PENALTY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-3305, IDAHO CODE, TO INCREASE A PENALTY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-3306, IDAHO CODE, TO INCREASE A PENALTY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-3809, IDAHO CODE, TO INCREASE A PENALTY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-3810, IDAHO CODE, TO REMOVE A CODE REFERENCE APPLICABLE TO PENALTIES; AMENDING SECTION 18-4109, IDAHO CODE, TO INCREASE A PENALTY; AMENDING SECTION 18-4616, IDAHO CODE, TO INCREASE A PENALTY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-4629, IDAHO CODE, TO INCREASE A PENALTY AND TO PROVIDE A CODE REFERENCE; AMENDING SECTION 18-6801, IDAHO CODE, TO INCREASE A PENALTY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-7020, IDAHO CODE, TO INCREASE A PENALTY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-7031, IDAHO CODE, TO INCREASE A PENALTY; AMENDING SECTION 19-4705, IDAHO CODE, TO CLARIFY THE EFFECTIVE DATE FOR THE APPORTIONMENT OF CERTAIN FINES AND FORFEITURES; AND AMENDING SECTION 49-1401, IDAHO CODE, TO INCREASE PENALTIES.

HOUSE BILL NO. 630
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
 AN ACT

RELATING TO THREATS OF VIOLENCE; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3302I, IDAHO CODE, TO PROVIDE THAT ANY PERSON WHO WILLFULLY THREATENS TO COMMIT AN ACT OF VIOLENCE ON SCHOOL GROUNDS BY USE OF A FIREARM OR OTHER DEADLY OR DANGEROUS WEAPON IS GUILTY OF A MISDEMEANOR AND TO DEFINE TERMS.

HOUSE BILL NO. 631
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE

AN ACT

RELATING TO PROSECUTING ATTORNEYS; AMENDING SECTION 59-907, IDAHO CODE, TO ALLOW COUNTIES TO CONTRACT FOR PROSECUTORIAL SERVICES UNDER CERTAIN CONDITIONS AND TO PROVIDE FOR A LIMITED EXCEPTION TO ALLOW A PROSECUTING ATTORNEY TO HOLD ANOTHER COUNTY OFFICE.

HOUSE BILL NO. 632
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE

AN ACT

RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO EXEMPT FROM LICENSE REQUIREMENTS DETENTION DEPUTIES WITH CERTAIN CREDENTIALS AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 633
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE

AN ACT

RELATING TO A DRUG HOTLINE FEE; AMENDING CHAPTER 27, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-2735A, IDAHO CODE, TO PROVIDE FOR A DRUG HOTLINE FEE FOR DRUG VIOLATIONS; AND AMENDING SECTION 57-816, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO PROVIDE FOR THE USE OF CERTAIN MONEYS TO SUPPORT A TWENTY-FOUR HOUR ANONYMOUS HOTLINE AND REWARD SYSTEM FOR THE REPORTING OF DRUG VIOLATIONS.

HOUSE BILL NO. 634
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE

AN ACT

RELATING TO EXPRESSIONS OF APOLOGY, CONDOLENCE AND SYMPATHY; AMENDING CHAPTER 2, TITLE 9, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 9-207, IDAHO CODE, TO PROVIDE THAT EXPRESSIONS OF APOLOGY, CONDOLENCE AND SYMPATHY MADE BY HEALTH CARE PROFESSIONALS SHALL BE INADMISSIBLE IN CERTAIN CIRCUMSTANCES, TO PROVIDE FOR ADMISSIBILITY OF A STATEMENT OF FAULT AND TO DEFINE TERMS; AND

TO PROVIDE AN EFFECTIVE DATE AND APPLICATION.

HOUSE BILL NO. 635
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO GAMBLING; AMENDING SECTION 18-3801, IDAHO CODE, TO PROVIDE A REFERENCE TO SLOT MACHINES, TO DEFINE THE TERM "SLOT MACHINE" AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 636
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO WATER; TO ESTABLISH A MINIMUM STREAM FLOW WATER RIGHT FOR A DEFINED STRETCH OF THE NORTH FORK OF THE CLEARWATER RIVER IMMEDIATELY BELOW DWORSHAK DAM TO THE CONFLUENCE WITH THE CLEARWATER RIVER TO BE HELD BY THE IDAHO WATER RESOURCE BOARD IN TRUST FOR THE PEOPLE OF THE STATE OF IDAHO; DECLARING AN EMERGENCY AND PROVIDING A CONTINGENT EFFECTIVE DATE.

HOUSE BILL NO. 637
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO PUBLIC WORKS; AMENDING SECTION 67-5708B, IDAHO CODE, TO SPECIFY THOSE REAL PROPERTIES AND IMPROVEMENTS THAT CONSTITUTE FACILITIES NEEDS RELATING TO THE DEPARTMENT OF WATER RESOURCES AND THE WATER RESOURCE BOARD; AND AMENDING SECTION 67-5711, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM SPECIFIED ADMINISTRATION AND REVIEW OF CERTAIN PUBLIC WORKS PROJECTS FOR THE DEPARTMENT OF WATER RESOURCES AND THE WATER RESOURCE BOARD AND TO PROVIDE THAT CERTAIN REQUIREMENTS APPLY TO THE DEPARTMENT OF WATER RESOURCES AND THE WATER RESOURCE BOARD RELATING TO THE LETTING OF CONTRACTS FOR PUBLIC WORKS.

HOUSE BILL NO. 638
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO THE PARK AND RECREATION BOARD; AMENDING SECTION 57-1503, IDAHO CODE, TO PROVIDE THAT THE BOARD SHALL APPOINT THE WATERWAY IMPROVEMENT FUND ADVISORY COMMITTEE; AMENDING SECTION 67-4223, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TERMS OF APPOINTMENT FOR THE RECREATIONAL VEHICLE ADVISORY COMMITTEE; AND AMENDING SECTION 67-7128, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TERMS AND COMPENSATION OF THE OFF-ROAD MOTOR VEHICLE ADVISORY COMMITTEE AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 639
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO NAVIGATIONAL AND NONNAVIGATIONAL ENCROACHMENTS; AMENDING SECTION 58-1302, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 640
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-112, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO PROVIDE A CORRECT CODE REFERENCE, AND TO REVISE PROVISIONS RELATING TO THE TRANSFER OF MONEYS INTO THE ANIMAL DAMAGE CONTROL FUND.

HOUSE BILL NO. 641
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO MINING AND THE RECLAMATION FUND; AMENDING SECTION 47-1803, IDAHO CODE, TO PROVIDE THAT ANY MONEYS AN OPERATOR HAS PAID INTO THE RECLAMATION FUND SHALL BE CREDITED AGAINST THE COST OF RECLAMATION ON AFFECTED LANDS FOR WHICH THE OPERATOR IS RESPONSIBLE AND TO PROVIDE THAT IF THE COST OF THE RECLAMATION DOES NOT EXCEED THE AMOUNT OF MONEYS THE OPERATOR HAS CONTRIBUTED TO THE FUND, THE OPERATOR SHALL BE REFUNDED THE DIFFERENCE.

HOUSE BILL NO. 642
BY BUSINESS COMMITTEE
AN ACT

RELATING TO NONPROFIT CORPORATIONS; AMENDING SECTION 30-3-24, IDAHO CODE, TO PROVIDE THAT IF THE CORPORATION IS A HOMEOWNER'S ASSOCIATION, IT MAY ESTABLISH A HOMEOWNER'S ASSOCIATION CAPITAL RESERVE FUND TO DEPOSIT ASSESSMENTS COLLECTED FROM HOMEOWNERS FOR PAYMENT FOR LONG-TERM CAPITAL PROJECTS.

HOUSE BILL NO. 643
BY BUSINESS COMMITTEE
AN ACT

RELATING TO MOTOR VEHICLE FEES; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-451, IDAHO CODE, TO PROVIDE FOR THE RECOVERY OF MOTOR VEHICLE LICENSING, TITLE AND REGISTRATION FEES BY A COMPANY ENGAGED IN THE RENTAL OF MOTOR VEHICLES AND TO PLACE LIMITATIONS ON SUCH RECOVERY.

HOUSE BILL NO. 644
BY BUSINESS COMMITTEE
AN ACT

RELATING TO INSURANCE; AMENDING SECTIONS 41-2140 AND 41-2210, IDAHO CODE, TO REQUIRE COVERAGE FOR MEDICALLY NECESSARY CARE FOR CHILDREN BORN WITH CLEFT LIP OR CLEFT PALATE; AMENDING SECTION 41-3437, IDAHO CODE, TO REQUIRE COVERAGE FOR MEDICALLY NECESSARY CARE FOR CHILDREN BORN WITH CLEFT LIP OR CLEFT PALATE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTIONS 41-3923 AND 41-4023, IDAHO CODE, TO REQUIRE COVERAGE FOR MEDICALLY NECESSARY CARE FOR CHILDREN BORN WITH CLEFT LIP OR CLEFT PALATE.

HOUSE BILL NO. 645
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO THE IDAHO LIQUEFIED PETROLEUM GAS PUBLIC SAFETY ACT; AMENDING SECTION 54-5102, IDAHO CODE, AS ADDED BY SECTION 1, CHAPTER 143, LAWS OF 2005, TO REDESIGNATE THE SECTION AND TO PROVIDE FURTHER APPLICATION; AMENDING SECTION 54-5108, IDAHO CODE, AS ADDED BY SECTION 1, CHAPTER 143, LAWS OF 2005, TO REDESIGNATE THE SECTION AND TO PROVIDE APPLICATION TO A FACILITY WITH A STORAGE CAPACITY OF A FOUR THOUSAND ONE GALLONS OR MORE.

HOUSE BILL NO. 646
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO VITAL STATISTICS; AMENDING SECTION 39-269, IDAHO CODE, TO REQUIRE DISINTERMENT PERMITS BE ISSUED ONLY UPON VERIFIED APPLICATION OF THE PERSON HAVING THE HIGHEST LEGAL AUTHORITY UNDER SECTION 54-1142, IDAHO CODE.

HOUSE BILL NO. 647
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
 AN ACT

RELATING TO THE STATE PERSONNEL SYSTEM; AMENDING SECTION 67-5315, IDAHO CODE, TO REMOVE A DATE AND TO REQUIRE THE DIVISION OF HUMAN RESOURCES TO ADOPT A RULE PERMITTING PROBLEM SOLVING THROUGH PEER REVIEW.

HOUSE BILL NO. 648
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
 AN ACT

RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-204, IDAHO CODE, TO PROVIDE THAT PERSONS PERFORMING SERVICE IN THE COURSE OF THE BUSINESS OF AN EMPLOYER ARE COVERED UNDER PRIVATE EMPLOYMENT PROVISIONS, TO REVISE THE DEFINITION FOR "EMPLOYMENT" AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 72-212, IDAHO CODE, TO REMOVE AN

EXEMPTION FROM COVERAGE RELATING TO EMPLOYMENT NOT CARRIED ON BY THE EMPLOYER FOR THE SAKE OF PECUNIARY GAIN.

HOUSE BILL NO. 649
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
 AN ACT

RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-102, IDAHO CODE, TO DEFINE ADDITIONAL TERMS; AMENDING SECTION 72-432, IDAHO CODE, TO PROHIBIT BALANCE BILLING; AMENDING SECTION 20-245, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 72-436, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 72-438, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 72-451, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

HOUSE BILL NO. 650
BY RESOURCES AND CONSERVATION COMMITTEE
 AN ACT

RELATING TO AQUIFER PROTECTION DISTRICTS; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 5, TITLE 39, IDAHO CODE, TO PROVIDE A PURPOSE, TO DEFINE A TERM, TO PROVIDE FOR AQUIFER PROTECTION DISTRICTS, TO PROVIDE A PROCEDURE FOR FORMATION, TO PROVIDE FOR MODIFICATION AND DISSOLUTION, TO PROVIDE FOR AUTHORITY, TO PROVIDE POWERS AND DUTIES, TO PROVIDE LIMITATIONS ON POWER, TO PROVIDE FOR A POLICY AND BUDGET ADVISORY COMMITTEE, TO PROVIDE FOR FUNDS, TO AUTHORIZE FEES AND TO PROVIDE FOR BUDGETS.

HOUSE BILL NO. 651
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO PLUMBING; AMENDING SECTION 54-2611, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO CLASSIFICATIONS OF COMPETENCY, TO PROVIDE FOR RESIDENTIAL PLUMBING JOURNEYMEN, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2614, IDAHO CODE, TO PROVIDE FOR AN APPLICATION FEE; AND AMENDING SECTION 54-2616, IDAHO CODE, TO PROVIDE FOR A CERTIFICATE FEE.

HOUSE BILL NO. 652
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO ASSETS AND LIABILITIES OF INSURANCE COMPANIES; AMENDING SECTION 41-603, IDAHO CODE, TO PERMIT DOMESTIC INSURANCE COMPANIES TO TREAT GOODWILL, TRADE NAMES AND OTHER LIKE INTANGIBLE ASSETS AS ALLOWED

ASSETS CONSISTENT WITH THE INDUSTRY'S ACCOUNTING STANDARDS IN ANY DETERMINATION OF THE FINANCIAL CONDITION OF AN INSURER AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 653
BY BUSINESS COMMITTEE
AN ACT

RELATING TO LIABILITY INSURANCE; AMENDING CHAPTER 16, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1608A, IDAHO CODE, TO REQUIRE DEALERS AND VEHICLE MANUFACTURERS TO OBTAIN LIABILITY INSURANCE AS A CONDITION OF LICENSURE, TO REQUIRE MINIMUM COVERAGE AMOUNTS AND TO REQUIRE THAT CERTIFICATES OF INSURANCE BE FILED WITH THE IDAHO TRANSPORTATION DEPARTMENT.

HOUSE BILL NO. 654
BY BUSINESS COMMITTEE
AN ACT

RELATING TO MOTOR VEHICLE DEALERS AND SALESMEN LICENSING; AMENDING CHAPTER 16, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1638, IDAHO CODE, TO PROVIDE FOR PAYMENT OF CLAIMS OR OTHER COMPENSATION TO MOTOR VEHICLE DEALERS UNDER A MANUFACTURER INCENTIVE PROGRAM FOR MOTOR VEHICLE DEALERS AND TO PROVIDE CONDITIONS UNDER WHICH A MANUFACTURER OR DISTRIBUTOR CAN AND CANNOT CHARGE BACK TO A MOTOR VEHICLE DEALER THE AMOUNT OF A CLAIM OR CASH VALUE OF A PRIZE AWARDED TO A DEALER UNDER A MANUFACTURER INCENTIVE PROGRAM.

HOUSE BILL NO. 655
BY BUSINESS COMMITTEE
AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-2223, IDAHO CODE, TO PROVIDE THAT LARGE EMPLOYER CARRIERS MAY DISCONTINUE OFFERING PARTICULAR HEALTH BENEFIT PLANS AT THE TIME OF COVERAGE RENEWAL UNDER CERTAIN CONDITIONS; AMENDING SECTION 41-4707, IDAHO CODE, TO PROVIDE THAT SMALL EMPLOYER CARRIERS MAY DISCONTINUE OFFERING PARTICULAR HEALTH BENEFIT PLANS AT THE TIME OF COVERAGE RENEWAL UNDER CERTAIN CONDITIONS; AND AMENDING SECTION 41-5207, IDAHO CODE, TO PROVIDE THAT INDIVIDUAL CARRIERS MAY DISCONTINUE OFFERING PARTICULAR HEALTH BENEFIT PLANS AT THE TIME OF COVERAGE RENEWAL UNDER CERTAIN CONDITIONS.

H 627, H 628, H 629, H 630, H 631, H 632, H 633, H 634, H 635, H 636, H 637, H 638, H 639, H 640, H 641, H 642, H 643, H 644, H 645, H 646, H 647, H 648, H 649, H 650, H 651, H 652, H 653, H 654, and H 655 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 577, by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

H 468 and **H 476**, by State Affairs Committee, were read the second time by title and filed for third reading.

H 421, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that all bills on the Third Reading Calendar retain their places until Monday, February 13, 2006. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 11 a.m., Monday, February 13, 2006. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 8:33 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk